

REMARKS

Claims 1-8 and 14-25 remain in this application. Claims 2 and 7 have been amended.

Initially, the Applicants would like to express its gratitude toward the Examiner for taking the time to discuss the present application by telephone on November 24, 2003 prior to this submission. The amendments herein reflect the subject matter discussed by telephone with the Examiner and are believed to place the claims in condition for allowance.

The Examiner objected to the specification because of various informalities contain therein. The Examiner then suggested approaches to correct these informalities in paragraphs 3 and 4 of the Office Action. The identified informalities have been corrected by the above amendments to the specification (which are based on the Examiner's suggestions).

The Examiner objected to Claims 2 and 7 for having insufficient antecedent basis. Although the Applicants respectfully believe that the recitations in these claims do have sufficient antecedent basis (see Claim 1), the Applicants, nevertheless, have rewritten Claims 2 and 7 to further clarify the claim recitations and to expedite allowance. Specifically, the original recitation of "said unit" in Claim 2 has been rewritten to now recite "said client unit" and the original recitation of "said unit and said servers" in Claim 7 has now been rewritten to now recite "said client unit and said plurality of servers." Accordingly, the Applicants respectfully submit that the objections of Claims 2 and 7 should now be withdrawn.

The Examiner also rejected Claims 1-8 and 14-25 under 35 U.S.C. § 103(a) as being unpatenable over DeBettencourt (U.S. Patent No. 6,279,001) in view of the BEA article ("About Clustering Technology in WebLogic BEA WebLogic Server"). DeBettencourt has a filing date of May 29, 1998 and the BEA article was dated on August 1999. As discussed with the Examiner in the teleconference, and noted by the


Examiner in paragraph 3 of the Office Action, prior co-pending Application Serial No. 09/063,335 was filed on April 20, 1998 (i.e., before the filing date of DeBettencourt) and abandoned after the present application's filing date (i.e., February 25, 2000). In addition, the present application and Serial No. 09/063,335 were, at the time the invention of the present application was made, owned by the assignee of the present application. Lastly, the present application (i.e., the second application) is filed by an inventor (i.e., James G. Hanko) named in the Serial No. 09/063,335 application. Thus, in order to expedite allowance and as discussed with the Examiner (see also paragraph 3 of the present Office Action), the Applicants hereby amend the specification to claim priority to Serial No. 09/063,335 as a continuation-in-part pursuant to 35 U.S.C. § 120. Accordingly, with the earlier priority date of April 20, 1998, both DeBettencot and the BEA article are predated. This ground of rejection should therefore be withdrawn.

In view of the foregoing, the Applicants respectfully submit that Claims 1-8 and 14-25 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested, and a timely Notice of Allowability is solicited. To the extent it would be helpful to placing this application in condition for allowance, the Applicants encourage the Examiner to contact the undersigned counsel and conduct a telephonic interview.

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A check in the amount of \$770.00 is enclosed for request for continued examination (RCE) pursuant to 37 CFR § 1.17(e). The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,



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